

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**BARBARA DIANE LATHAM, Individually
and as Personal Representative of
JAMES C. LATHAM, deceased,**

Plaintiff,

vs.

Cause No. 13-CV-822 RB/SMV

**NEAL COX, in his individual capacity;
BEN HAZEN, in his individual capacity;
LINCOLN COUNTY SHERIFF'S DEPARTMENT
and the COUNTY OF LINCOLN,**

Defendants.


ORDER TO RELEASE INVESTIGATIVE GRAND JURY RECORDS

THIS MATTER having come before the Court on the stipulation and agreement of the parties to allow the inspection by the parties of records, material, and information pertaining to the complete Grand Jury records pertaining to the investigation of the July 28, 2011 shooting death of James C. Latham. This includes but not limited to: transcripts of proceedings, witness statements, witness testimony (either in audio or written transcript form), evidence admitted, decisions, orders, or indictments, and other documents or items which are not otherwise protected from discovery by the attorney-client privilege or the work product doctrine. The parties have a particularized need for this information as this civil action concerns the same incident and witnesses.

The Court being advised that such production will include certain information that is private and confidential, finds that this Order is needed in this action and limits this disclosure

and use of such information and documents to this civil proceeding only and subject to the Federal Rules of Evidence and further evidentiary rulings of this Court.

IT IS THEREFORE ORDERED: that the Investigative Grand Jury information pertaining to the shooting death of James C. Latham be produced.



STEPHAN M. VIDMAR
United States Magistrate Judge

APPROVED:

BRENNAN & SULLIVAN, P.A.

By: /s/ Christina L. G. Brennan
Christina L. G. Brennan
James P. Sullivan
128 East DeVargas
Santa Fe, New Mexico 87501
(505) 995-8514
Attorneys for Defendants

FARGASON, BOOTH, ST. CLAIR & RICHARDS, LLP

By: Electronically approved 3/13/14 by D. Richards
Damon Richards, Esq.
Fargason, Booth, St. Clair & Richards, LLP
Post Office Box 5950
Lubbock, TX 79408
(806) 744-1100
AND
Gary C. Mitchell, Esq.
Law Offices of Gary C. Mitchell, LLC
Post Office Box 2460
Ruidoso, NM 88355
(575) 257-3070
Attorneys for Plaintiff